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OK/HAV

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr.S. 04-104 DFL
)	
Plaintiff,)	STIPULATION AND ORDER
)	RESETTING THE HEARING DATE
v.)	
)	
MARK ERCKERT,)	Date: September 28, 2006
)	Time: 10:00 a.m.
Defendants.)	Judge: Hon. David F. Levi
)	

The defendant Mark Erckert, by and through counsel Krista Hart, along with the plaintiff United States (government), by and through counsel Assistant U.S. Attorney Phil Ferrari, hereby stipulate and agree the hearing currently set for September 28, 2006, should be reset for October 5, 2006 at 10:00 a.m. The parties also agree the defendant's reply brief would be due by October 2, 2006.

It is further stipulated and agreed between the parties that the period of time from September 28, 2006, and October 5, 2006, should be excluded in computing the time within which the trial of the above criminal prosecution must commence for purposes of the Speedy Trial Act. All parties stipulate and agree that this is an appropriate

1 exclusion of time within the meaning of Title 18, United States Code,
2 sections 3161(h)(1)(F) (Local Code E).

3 The undersigned has been in trial in Sacramento Superior Court
4 since August 23, 2006, and anticipates completing the trial by
5 September 27, 2006. The additional time is necessary to prepare the
6 reply and to ensure counsel is available for the hearing.

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8 September 28, 2006

/s/ Krista Hart
Attorney for Mark Erckert

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11 September 28, 2006

McGREGOR SCOTT
United States Attorney

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14 /s/ Phil Ferrari
Assistant U.S. Attorney
15 (Signed by Krista Hart, per e-mail)

16
17 **O R D E R**

18
19 **FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

20
21 DATED: September 28, 2006

/s/ David F. Levi
The Honorable DAVID F. LEVI
United States District Court Judge